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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,359	07/22/2003	Douglas S. McBain	OMNZ 2 00005-1 0-005330US	7520
27885	7590	05/24/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 05/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,359

Applicant(s)

MCBAIN ET AL.

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/16/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujishiro et al (U.S. Patent 5,902,534).

Fujishiro et al disclose in-mold coated thermoplastic resin article. The thermoplastic resin such as polyethylene, polypropylene, polyvinyl acetate, ethylene-vinyl acetate copolymer etc. are disclosed (column 10, line 52 to column 11, line 29). Fujishiro et al's coating composition is a thermoset coating composition cured by free radical generator such as t-butyl- proxy benzoate (column 27, line 57 to column 28, line 7). Fujishiro et al's process comprises the steps of (a) forming a thermoplastic piece in

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a closed mold, (b) injecting a thermoset coating composition, (c) opening said mold and removing coated article (Example 1).

4. Claims 1-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Fujishiro et al (U. S. Patent 5,902,534) in view of Cobbledick et al (U. S. Patent 4,414,173) and Yonemochi et al (U. S. Patent 6,180,043 B1).

Fujishiro et al, which has been discussed above fail to disclose thermoplastic such as ethylene-propylene copolymer, grafted polyolefin, mixture of polyolefin and functionalized polyolefin and claimed coating composition of claims 18 and 20.

However, Fujishiro et al disclose a blend of disclosed thermoplastic polymers (column 11, lines 15 and 16). Fujishiro et al also disclose that fibrous filler can be added to the thermoplastic polymer (column 11, lines 20-25).

Cobbledick et al disclose a thermoset coating composition, which encompasses claimed coating composition (column 1, line 55 to column 5, line 43 and Examples).

Cobbledick et al disclose substrate made of thermosetting synthetic resin material such as sheet molding compound, bulk molding compound etc (column 6, lines 49-55).

Yonemochi et al disclose in-mold coated articles. Yonemochi et al's coating composition is similar to the coating composition disclosed by Fujishiro et al.

Yonemochi et al's substrate for coating include thermosetting substrate such as disclosed by Cobbledick et al and thermoplastic substrate disclosed by Fujishiro et al (Table 1 for coating composition and column 2, lines 10-20 for the substrates).

Therefore in absence of establishing criticality of substrate such as ethylene-propylene copolymer, claimed grafted polyolefin etc., a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Cobbledick et al and Yonemochi et al in the invention of Fujishiro et al to coat Cobbledick et al's coating composition since it flows well and is stable for about a week. Also, Cobbledick et al's coating exhibits good adhesion and also paintable.

No claims are allowed.

5. Terminal Disclaimer failed February 16, 2005 overcomes obviousness type double patenting rejection.

6. Receipt of Information Disclosure Statement failed February 16, 2005 is acknowledged. All non-English references considered to the extent of provided their English abstract. All references have been made of record.

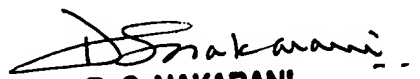
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D.S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.S. Nakarani/dh  
May 20, 2005

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**